

FORM PTO-1390  
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEYS DOCKET NO.

4147-10-PUS #3

U.S. APPLICATION NO. (If known, see 35 CFR 1.5)

09/646,599

INTERNATIONAL APPLICATION NO.

PCT/US99/05943

INTERNATIONAL FILING DATE

17 March 1999

PRIORITY DATE CLAIMED

18 March 1998

TITLE OF INVENTION

"COMPOSITIONS CONTAINING LYSOPHOSPHOTIDIC ACIDS WHICH INHIBIT APOPTOSIS AND USES THEREOF"

APPLICANT(S) FOR DO/EO/US

LXR BIOTECHNOLOGY, INC. AND OXFORD ASYMMETRY LIMITED

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. To 16. below concern documents or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.23 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

2-Month Extension of Time  
Request for refund

"EXPRESS MAIL" MAILING LABEL NUMBER: EL686041624

DATE OF DEPOSIT: 1-10-01

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, BOX PCT, WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: JANICE MESSER

SIGNATURE: *Janice Messer*

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/646,599		INTERNATIONAL APPLICATION NO. PCT/US99/05943		ATTORNEY DOCKET NUMBER 4147-10-PUS	
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17. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS      PTO USE ONLY	
<b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b> Search Report has been prepared by the EPO or JPO ..... \$860.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... \$690.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$710.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid USPTO ..... \$1,000.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... \$100.00  <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>					
Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [X] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	- 20 =		x \$18.00		
Independent Claims	- 3 =		x \$80.00		
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			+ \$270.00		
TOTAL OF ABOVE CALCULATIONS =				\$ 130.00	
Réduction of ½ for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37i CFR 1.9, 1.27, 1.28).				\$ (65.00)	
SUBTOTAL =					
Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ +	
TOTAL NATIONAL FEE =					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) \$40.00 per property				\$ +	
TOTAL FEES ENCLOSED =				\$ 65.00	
01/15/2001 NGUYEN 00000081 09646599 01 FC:254                      65.00 OP				Amount to be: refunded	\$
				charged	\$

a. ☒ A check in the amount of \$ 65.00 to cover the above fees is enclosed.

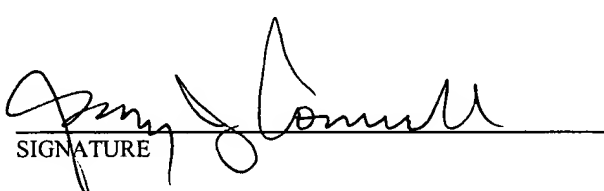
b. [ ] Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-1970. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 cfr 1.494 or 1.495 has not been met, a petition to revive (37 cfr 1.137(a) or (b)) must be filed and granted to restore the application pending status.**

SEND ALL CORRESPONDENCE TO:

SHERIDAN ROSS P.C.  
 1560 Broadway, Suite 1200  
 Denver, Colorado 80202-5141  
 Telephone: (303) 863-9700  
 Facsimile: (303) 863-0223

  
 SIGNATURE  
 Gary J. Connell  
 Registration No. 32,020

PTO/PCT Rec'd 10 JAN 2001

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: ) Group Art Unit:  
GODDARD et al. ) Examiner:  
Serial No.: 09/646,599 ) REQUEST FOR EXTENSION  
Filed: September 18, 2000 ) OF TIME  
Atty. File No.: 4147-10-PUS ) EXPRESS MAIL #EL686041624  
For: "COMPOSITIONS CONTAINING )  
LYSOPHOSPHOTIDIC ACIDS )  
WHICH INHIBIT APOPTOSIS )  
AND USES THEREOF" )

Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

Applicants, through their attorneys, respectfully petition for an extension of time under 37 CFR § 1.136(a) of two (2) months to respond to the Notification of Missing Requirements mailed on October 23, 2000, with respect to the above-identified application, thereby extending the period for response from December 23, 2000, to January 23, 2001.

Enclosed is a check in the amount of \$195.00 as payment for the extension fee. Please credit any overpayment or debit any underpayment to Deposit Account No. 19-1970.

01/16/2001 HNGUYEN 00000081 09646599

02 FC:216

195.00 OP

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Gary J. Cornell  
Registration No. 32,020  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
(303) 863-9700

Date: 10 Jan 2001

#3

In Re the Application of: ) Group Art Unit:  
)  
GODDARD et al. ) Examiner:  
)  
Serial No.: 09/646,599 ) REQUEST FOR REFUND  
) UNDER 37 CFR 1.26  
Filed: September 18, 2000 )  
) EXPRESS MAIL #EL686041624  
Atty. File No.: 4147-10-PUS )  
)  
For: "COMPOSITIONS CONTAINING )  
LYSOPHOSPHOTIDIC ACIDS )  
WHICH INHIBIT APOPTOSIS )  
AND USES THEREOF" )

Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

In connection with the filing of the above-identified U.S. patent application, Applicant hereby requests a refund in the amount of \$574.00. When the application was filed, the filing fee submitted was \$1,362.00, based on a small entity and claims containing multiple dependency. Applicant takes the attached copy of the Preliminary Amendment, which eliminates the multiple dependent claims, into consideration with the filing of this request for refund. The filing fees for a small entity for the above-referenced application are calculated as follows:

Basic National Fee (37 CFR 1.492):	\$335.00
Independent Claims in excess of three:	<del>\$120.00</del> 78.00
Dependent claims in excess of twenty:	<u>\$333.00</u>
Total Fees:	\$788.00

Please feel free to contact the below attorney should you have any questions regarding this request.

*No Refund due  
6/6*

Respectfully submitted,

SHERIDAN ROSS P.C.

By: *Gary J. Connell*  
Gary J. Connell  
Registration No. 32,020  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
(303) 863-9700

Date: 10 Jan 2001